

13 November 2007

Natural Resources Policy Manager  
Environment Canterbury  
P O Box 345  
CHRISTCHURCH

Fax - 03 365 3194

NRRP/2002/1-3/NOTICE/20

**FAXED**

RECEPTION	
EC - CHCH	
FILE REF:	
DOCUMENT No:	
14 NOV 2007	ACTION
104050	INFO
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### Chapter 3 NRRP - Ravensdown Fertiliser Co-operative Limited

1. We act for Ravensdown Fertiliser Co-operative Limited.
2. Please find **enclosed** by way of service Notice of Appeal in respect of this submitter. A hard copy complete with list of submitters to be served will follow by mail.

Yours faithfully  
**Anderson Lloyd**



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**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**IN THE MATTER** of appeals under the First  
Schedule of the Resource  
Management Act 1991

**BETWEEN** **RAVENSDOWN FERTILISER  
CO-OPERATIVE LIMITED**

**Appellant**

**AND** **CANTERBURY REGIONAL  
COUNCIL**

**Respondent**

**NOTICE OF APPEAL**

To: The Registrar  
Environment Court  
Christchurch

1. Ravensdown Fertiliser Co-operative Limited ("the Appellant") appeals a decision of the Canterbury Regional Council in respect of submissions on the proposed Chapter 3 of the Natural Resources Regional Plan ("the Plan").
2. The Appellant lodged submissions and further submissions on the Plan.
3. Notice of the decision was received on 1 October 2007.
4. The parts of the decision appealed, the reasons for appeal, and the relief sought are as follows:

**Rule AQL42**

5. The decision to classify certain activities involving the storage and use of materials in bulk as permitted activities on the basis of the quantity

of bulk material to be extracted, handled, processed, conveyed transported, or stored is appealed.

6. The reasons for the appeal are as follows. The criteria ignore a number of factors that would have a significant effect on the quantity of dust that an activity might generate. Characteristics of the bulk material, for example, particle size or moisture content, has a significant effect on the quantity of dust generated and the potential for its containment.
7. The rate and quantity of bulk material being processed is not related to dust effects. The rule seeks to control activities, not effects.
8. In the decision the Commissioners state, in summarising the appellants submission, that there is concern that the rule may have the effect of classifying activities such as lime works, rural fertiliser stores and grain handling installations as permitted activities. This was not the appellants concern.
9. The appellants concern was that its current activities would not be permitted under the proposed rule, even with the relaxed permitted activity limits recommended by the Officer Report. This would require the appellant to obtain resource consents (which are not currently required) for activities which are not creating adverse effects.
10. The relief sought is that Rule AQL42 be amended to read (or words to similar effect):

*Discharge of contaminants into air from extraction, handling, processing, conveying, transporting or storage of bulk materials at any location as a permitted activity provided that the dispersal or deposition of particles shall not cause an objectionable or offensive effect beyond the boundary of the property where the discharge originates.*

**Rule AQL56, Activity (d)**

11. This rule permits discharge of contaminants into air as a result of workplace ventilation. The rule identifies four instances where discharges will not be permitted, including application of fibreglass at a rate of more than 1kg per hour.
12. The appeal relates to the decision not to allow for the application of fibreglass in the course of an infrequent one-off maintenance task as a permitted activity is appealed.
13. The reason for the appeal is that the rule in its current form is unnecessarily restrictive of maintenance activities. For one-off maintenance tasks which are carried out infrequently, the requirement to obtain a resource consent for the task is an unnecessary imposition.
14. The relief sought is that Rule AQL56 Activity D be amended to read (or words to like effect):

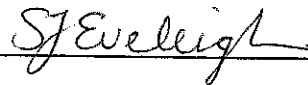
*(d) Application of fibreglass at a rate of more than 1kg per hour unless the application is undertaken in the course of an infrequent one-off maintenance task.*

**Schedule AQL2**

15. Policy AQL8 and Policy AQL10 invoke the precautionary approach where pollutants listed in Schedule AQL2 are discharged to air.
16. The Appellant sought further information on how some of the broad pollutant categories, in particular 'Cadmium compounds' and 'Selenium compounds', would be interpreted. In submissions the Appellant stated that it would seem inappropriate to apply the precautionary principle if the concentration of the Cadmium or Selenium compounds in ambient air is below that at which human health may be affected. Reference should also be made to the workplace exposure standards with appropriate factors applied to protect the wider community.

17. The relief sought is:
- a. That Schedule AQL2 be deleted; or alternatively;
  - b. That the Schedule provides design ground level concentrations for the compounds in Schedule AQL2 when discharged to air referenced to the Workplace Exposure Standard with appropriate factors applied to protect the wider community.
18. The following documents are attached to this Notice:
- a. A copy of the original submission;
  - b. A copy of the relevant decision (or part of the decision);
  - c. A list of names and addresses of persons to be served with a copy of this Notice.

Dated 12 November 2007



M R G Christensen / S J Eveleigh

Counsel for Ravensdown  
Fertiliser Co-operative Limited

**Address for service of Appellant:**

Anderson Lloyd  
PO Box 13831  
Christchurch  
Telephone: 03 379 0037  
Fax: 03 379 0039  
Contact person: Mark Christensen/Sarah Eveleigh

**Advice to recipients of copy of notice of appeal**

*How to become a party to proceedings*

If you wish to be a party to the appeal, you must lodge a notice in form 33 with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

*How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the Appellants' submissions, nor the decision appealed. These documents may be obtained, on request, from the Appellants.

*Advice*

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington, or Christchurch.

**Contact details of Environment Court for lodging documents**

Documents may be lodged with the Environment Court by lodging them with the Registrar.

## Ravensdown – list of parties to be served

Submitter No.	Submitter	Address
4	R L Lingard	704 Ferry Road Woolston Christchurch
8	Primary Producers Co-operative Society	PO Box 283 Christchurch
44	Christchurch City Council – Spreydon Heathcote Community Board	c/- Beckenham Service Centre PO Box 12-033 Beckenham Christchurch
136	Association for Independent Research (AIR)	c/- Landale Hamptons Road RD 6 Christchurch
189	Riccarton Bush Trust	Riccarton House 16 Kahu Road Riccarton Christchurch
201	Ministry for the Environment	South Island Office Ministry for the Environment PO Box 1345 Christchurch
225	St George's Hospital Inc	c/- Aurora Pacific Ltd PO Box 16-489 Christchurch
274	K2 Environmental Ltd, South Island	PO Box 28 147 Beckenham Christchurch
275	Ravensdown Fertiliser Co-operative Ltd	PO Box 1049 Christchurch
285	Alliance Group Ltd	c/- Aurora Pacific PO Box 16-489 Christchurch
328	New Zealand Historic Places Trust, Southern Region	PO Box 4403 Christchurch
338	Transit New Zealand	P O Box 1479 Christchurch
379	Christchurch City Council	PO Box 237 Christchurch
391	Carter Holt Harvey Panels MDF Ltd	P O Box 1001 Ashley Rangiora
401	NZ Vegetable & Potato Growers Fed. Inc and NZ Fruitgrowers Fed Inc	P O Box 10 232 Wellington
407	The Christchurch Press Co Ltd	c/- Kingett Mitchell Ltd PO Box 1762 Christchurch
411	NZMP	P O Box 33 Temuka
416	NZMP	C/- Bentley & Co. Ltd PO Box 4492 Shortland St

		Auckland
F347	Federated Farmers of New Zealand	PO Box 1992 Christchurch
F435	Tegel Foods Ltd	C/- Harrison Grieson Consultants Limited P O Box 5760 Wellesley Street Auckland
F3001	Christchurch City Council - Director of Policy	Christchurch City Council PO Box 237 Christchurch
26	Jamie McFadden	24 Mina Road R D 2 Cheviot
29	Hugh Aston	27 Fairmont Place Hornby Christchurch
33	GLG New Zealand Ltd	P O Box 27-025 Mt Roskill Auckland
117	TrustPower Ltd	C/- Boffa Miskell Ltd PO Box 13373 Tauranga
138	PIC New Zealand Ltd	P O Box 348 Christchurch
145	Stark Brothers Holdings Ltd	P O Box 144 Lyttelton
152	Lyttelton Engineering	P O Box 176 Lyttelton
168	Airways Corporation of NZ	C/- Opus International Consultants Ltd PO Box 1482 Christchurch
172	Alliance Group Ltd, Christchurch	P O Box 1472 Christchurch
199	Petroleum Exploration Association of New Zealand	P O Box 5227 Wellington
205	Camesis Network Ltd	Private Bag 4749 Christchurch
211	Lyttelton Sea Scout Group	C/-70 Reserve Terrace Lyttelton
232	Michael Cann	12 Dublin Street Christchurch
234	Bruce Bellis	122 Park Terrace Christchurch
235	Crown Public Health, Canterbury Office	P O Box 1475 Christchurch
238	Director-General of Conservation	C/- Department of Conservation Canterbury Conservancy Private Bag 4715 Christchurch
239	Telecom NZ Ltd	C/- Resource Management Group Ltd P O Box 13 792

		Christchurch
249	Christchurch City Council, Civic Offices	P O Box 237 Christchurch
279	Donald Pullen	198 England Street North Linwood Christchurch
282	Kenneth Henderson	22 Ravensdale Rise Westmoreland Christchurch
286	Michael Eder	143 Broad Road R D 2 Rangiora
329	Lyttelton Port Company Ltd	P O Box 501 Lyttelton
345	Fulton Hogan Canterbury Ltd	P O Box 16064 Hornby Christchurch
347	Federated Farmers of New Zealand Inc, North Canterbury Branch	P O Box 1992 Burnside Christchurch
348	Environment Canterbury	P O Box 345 Christchurch
352	Feltex Carpets Ltd	C/- Lane Neave, Lawyers P O Box 13-149 Christchurch
355	Omya New Zealand Ltd	C/- Lane Neave, Lawyers PO Box 13-149 Christchurch
359	West Eyreton Residents Association	C/- Jill Edwards Pesters Road West Eyreton R D 1 Rangiora
365	Meridian Energy Ltd	C/- Boffa Miskell Ltd P O Box 110 Christchurch
370	Department of Corrections	C/- Opus International Consultants Ltd PO Box 1482 Christchurch
371	NZMP	P O Box 33 Temuka
372	New Zealand Post	P O Box 3744 Christchurch
373	New Zealand Pork Industry Board	Massey University Private Bag 11 222 Palmerston North
374	New Zealand Institute for Crop & Food Research Ltd	C/- Opus International Consultants Ltd PO Box 1482 Christchurch
378	Canterbury Growers Society Ltd	Secretary P O Box 35148 Shirley

		Christchurch
381	Canterbury Manufacturers Association	P O Box 13152 Christchurch
397	H W Hendriks	P O Box 88 Kaiapoi
405	Timaru District Council	P O Box 522 Timaru
413	A Gillanders	Almond Bank Darfield
418	Andrea & Neville Chalmers	349 Lower Beach Road R D 4 Ashburton
419	G L Bowron & Co Ltd	P O Box 19-544 Woolston Christchurch
427	BP Oil New Zealand Ltd, Shell NZ Ltd, Mobil Oil NZ Ltd & Caltex NZ Ltd	C/- Burton Consultants P O Box 2091 Wellington
428	Transpower NZ Ltd	C/- Burton Consultants Ltd P O Box 1021 Wellington
429	Selwyn District Council	Private Bag 1 Leeston
F5	Rangitata Diversion Race Management Ltd	C/- Boffa Miskell PO Box 13 373 Tauranga
F112	Solid Energy New Zealand Ltd	PO Box 1303 Christchurch
F117	TrustPower Ltd	C/- Boffa Miskell PO Box 13 373 Tauranga
F125	Waimakariri District Council	Private Bag 1005 Rangiora 8254
F216	Hurunui District Council	PO Box 13 Amberley
F353	Canterbury Meat Packers Ltd	C/- Lane Neave, Lawyers PO Box 13-149 Christchurch
F354	Chequer Packaging	C/- Lane Neave, Lawyers PO Box 13-149 Christchurch
F406	Tasman Farms Ltd	C/- Cubitt Consulting Limited P O Box 5006 Dunedin
F435	Tegel Foods Ltd	C/- Harrison Grieson Consultants Limited P O Box 5760 Wellesley Street Auckland
F3038	Ilam & Upper Riccarton Residents Association	C/- 3 Kelson lane Ilam Christchurch